

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDGARDO JHAUSEN GIL LI,

Petitioner,

v.

No. 1:25-cv-00493-MLG-GJF

MARY DE ANDA-YBARRA, in her official capacity as Field Office Director of El Paso, Immigration & Customs Enforcement; TODD M. LYONS, Acting Director, U.S. Immigration & Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General, U.S. Department of Justice,

Respondents.

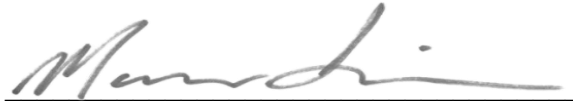
ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court on Petitioner's Notice of Voluntary Dismissal, Doc. 12. The Court notes that Petitioner cites Federal Rule of Civil Procedure 41(a)(1)(A)(i), which permits a voluntary dismissal without a court order before an answer or motion for summary judgment has been filed. *Id.* at 1. In this case, Respondents have filed an answer to the operative petition. *See* Doc. 7. Rule 41(a)(1)(A)(i) is thus inapplicable. Moreover, Petitioner's Notice was not signed by all parties who have appeared in this case, as required for voluntary dismissal under Rule 41(a)(1)(A)(ii). *See generally* Doc. 12.

Nevertheless, it appears that Petitioner has been deemed removable by an immigration judge, who ordered his deportation to Peru. *See generally* Doc. 12-1. Petitioner states that he does not contest that determination and order. *See* Doc. 12 at 1. Lacking any continued dispute, the Court will construe Petitioner's Notice as a request to dismiss this case under Rule 41(a)(2).

Accordingly, the Court finds good cause to grant Petitioner's request and dismisses this case without prejudice. Final dismissal will be entered separately pursuant to Federal Rule of Civil Procedure 58(a). The parties shall bear their own costs and attorney's fees.

It is so ordered.

A handwritten signature in black ink, appearing to read "M. Garcia", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE
MATTHEW L. GARCIA